

05-O-0897

AN ORDINANCE BY:

Z-05-54

COUNCILMEMBER DEBI STARNES

AS SUBSTITUTED BY ZONING COMMITTEE

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 675 PONCE De LEON DRIVE AND 641 NORTH AVENUE FROM I-1 (LIGHT INDUSTRIAL) TO MRC-3-C (MIXED RESIDENTIAL COMMERCIAL), AND FOR OTHER PURPOSES.

WHEREAS, the properties located at 675 Ponce De Leon Avenue and 641 North Avenue are currently owned by the City of Atlanta;

WHEREAS, the City of Atlanta Ordinance 04-0-5555 surpluses the properties;

WHEREAS, the proposed redevelopment of the properties include a mixed use residential and commercial component in keeping with the City's plan for mixed use development;

WHEREAS, the City of Atlanta is currently negotiating the sale of the properties to a team of developers whose redevelopment plan was chosen after an open bid process;

WHEREAS, the developer are joint applicants with the city of Atlanta on the application for rezoning;

WHEREAS, the current zoning would not allow the property to be developed in accordance with the City's stated goal of increasing mixed use development in the City of Atlanta;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the 1982 City of Atlanta Zoning Ordinance be amended and that the official zoning maps established in connection therewith be changed to show that the properties located at 675 Ponce De Leon Avenue and 641 North Avenue be changed from the I-1 (Light Industrial) District to the MRC-3C (Mixed Residential Commercial Conditional) District to wit:

ALL THAT TRACT or parcels of land lying and being in land Lots 17 and 18 of the 14th District, Fulton County, Georgia being more particularly described by the attached map identified as Exhibit "A".

SECTION 2: If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3: That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict with this ordinance are hereby waived for the purposes of this ordinance only.

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1. **Site plan:** The site plan titled, “Zoning Site Plan for: Ponce Park”, prepared by Tunnell-Spangler-Walsh & Associates et. al., dated July 18, 2005 and revised 10-27-05, and stamped as received by the Bureau of Planning on October 28, 2005.
2. **Restricted and prohibited uses:**
 - a) Individual retail uses in Building A shall occupy no greater than 50,000 square feet of floor space. Individual retail uses in buildings that are located north of North Avenue, which are Buildings B, C, D, E, F, and K shall occupy no greater than 25,000 square feet of floor space.
 - b) Individual retail, restaurant, repair, and commercial recreation establishments, and clubs and lodges, which are located south of North Avenue in Buildings G, H, and J, shall not exceed 9,000 square feet, except that the following uses may be up to 15,000 square feet adjacent to North Avenue in said buildings: grocery stores, delicatessens, bakeries, full-service restaurants (excluding fast food restaurants), and fitness gyms.
 - c) The following principal uses are prohibited: truck stops, automobile service and gasoline stations, car washes, new or used car sales, repair garages, paint and body shops, air conditioning service and repair shops, lawn mower or other outdoor mechanical equipment repair shops, or similar repair shops, commercial greenhouses, laundry or dry cleaning plants, security storage centers, and digital industry switchboards, power generators, or other relay equipment when installed as a primary use.
3. **Maximum building height,** as measured from the center of the front of a building, shall be as follows: Building A: Existing heights (approximately 137 feet for the main building and 214 feet for the tower); Building B: 80 feet; Building C: 80 feet; Building D: 80 feet; Building E: 24 feet; Building F: 185 feet; Building G: 60 feet; Building H: 60 feet; Building J: 110 feet; Building K: 24 feet.
4. **Active uses:** In all buildings except Building A and Building F, active uses shall be required at sidewalk-level along all public and private streets, or parks, plazas, or courtyards that face a public or private street, except at ingress and egress points into parking structures or loading areas. Active uses at sidewalk level shall be limited to retail, office, residential, restaurant, museum, gallery, auditorium, library, hotel lobby, or cultural facility uses; all shall be serviced by plumbing, heating, and electricity. Active uses shall be provided for a minimum depth of 20 feet from the street-facing building façade. When a building has two or more floors that meet the definition of sidewalk level, this requirement shall only apply to the front of each floor located within five feet above or below the grade of the adjacent sidewalk. Active uses shall be required for at least 25% of the east side of Building B. Interior ground floor to ceiling height of nonresidential active use space shall be a minimum of 12 feet.

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5. **Ingress and egress from buildings:** Buildings shall be designed and pedestrians shall be directed by the internal layout and signage of buildings in a manner that shall enable them to enter and exit a building onto the same sidewalk. The use of fire escapes as primary entrances is prohibited.
6. **Building façade materials** shall consist of the following:
 - a) All exterior façades that are located adjacent to a public or private street located north of North Avenue shall be brick, stone, cast stone, metal, or smooth hard-coat stucco when said stucco is limited to no more than three colors per building and is limited to the following colors: hues of brown, brick red, or off-white, or shades of these hues that are similar to those of the façade materials of the building indicated on the site plan cited above as Building A (i.e., the original City Hall East building). Cementitious siding may be used for trim or accents only. Façade treatment of said buildings that will be built in six or more visible, above-ground stories shall consist of brick, stone, cast stone, or masonry with the appearance of brick, terracotta, or stone on, at a minimum, the two lowermost visible, above-ground stories of the building, while any of the remaining materials may be used as façade treatments on the remaining stories. Façade treatment of buildings that will be built in five or fewer visible, above-ground stories shall consist of brick, stone, cast stone, or masonry with the appearance of brick, terracotta, or stone on the lowermost, visible, above-ground story, while the remaining materials may be used on the remaining stories. For Building F only, façade materials may also include poured-in-place concrete and precast concrete.
 - b) All exterior façades not adjacent to a public or private street located north of North Avenue shall be brick, stone, cast stone, metal, poured-in-place concrete, smooth, hard-coat stucco, or masonry with the appearance of brick, terracotta, or stone.
 - c) All exterior façades of the buildings south of North Avenue shall be brick, stone, cast stone, metal, poured-in-place concrete, smooth hard-coat stucco, or masonry with the appearance of brick, terracotta, or stone. Cementitious siding shall be allowed on exterior facades that do not face a public or private street or any public parks, plazas, or courtyards that face a public or private street or streets.
 - d) The following exterior building materials are prohibited: vinyl siding, and exterior insulation finish systems (EIFS).
 - e) On Building F only, façade materials may also include poured-in-place concrete and precast concrete.

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7. Fenestration:

- a) Buildings shall have either residential or non-residential (“storefront”) fenestration, as described below, along all building facades that face a public or private street or a park, plaza or courtyard that faces a public or private street. Non-residential fenestration shall be required in the sidewalk-level façade of buildings, except those of Building A, that front on Ponce de Leon Avenue, North Avenue and Glen Iris Drive. Residential fenestration shall be required on the exteriors of stories that are primarily occupied by residential uses in buildings located north of North Avenue, except Buildings A and F as shown on the site plan cited above.
- b) Non-residential (“storefront”) fenestration shall consist of windows in a minimum of 65% of the length of the sidewalk-level façade, and, in upper level facades that are designed for non-residential use at a minimum of 50% of the length of each upper level façade. Windows in the sidewalk-level façade shall meet the minimum vertical height requirements of the MRC district.
- c) Residential fenestration shall consist of windows in a minimum of 25% and maximum of 60% of the facade surface area that fronts a public or private street, former railroad right-of-way, or parks, plazas or courtyards that face a public or private streets except that for buildings located south of North Avenue, windows shall be provided in a minimum of 25% and a maximum of 85% of the total façade surface that fronts a public or private street, former railroad right-of-way, or park, plaza or courtyard that faces a public or private street. Fenestration shall be calculated separately for each building façade.
- d) 50% of the residential window units in each building shall be operable.
- e) All windows shall include windowpanes that are recessed a minimum of two inches from the façade in which they are installed, unless the façade is constructed as a glass curtain wall. Glass curtain walls shall not be permitted for residential uses for buildings north of North Avenue, except for Building F.
- f) Paired windows that are grouped together shall have center mullions that are two inches wider than the side trim, notwithstanding that windows that are designed to look substantially similar to those of Building A shall be permitted.
- g) Flat, “snap-in” muntins, and muntins that are sandwiched between layers of glass are prohibited.
- h) Ground floor windows in Building A shall be screened so that the interior of any ground floor level that is used for parking is not visible from the street, or the

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windows may be treated as display windows for uses that are located in the building.

8. **Porches or stoops** that face a public or private street shall be designed and constructed as follows:

- a) Front porches that are wider than 6 feet shall have roofs, balustrades and columns, and may be enclosed with screen wire, provided that the main characteristics of the porch such as balustrades, columns or porch railings, and front doors are visible after such enclosure.
- b) Stoops shall be a minimum of 4 feet wide.
- c) Steps that serve porches or stoops shall have closed risers and ends. Any steps and cheek walls shall consist of masonry, brick, smooth hard-coat stucco (where permitted as per condition 6., above), stone, cast stone, or poured-in-place concrete. The choice of building material shall complement the foundation material of the principal structure.
- d) Railings, columns, and posts shall consist of painted wood, ornamental metal, glass, or similar materials. Wood materials shall have the following:
 - i. Columns and posts shall be a minimum of six inches wide and shall have base and cap components.
 - ii. Wood pickets shall be at least two inches wide and two inches deep.
 - iii. Wood railings shall be designed and constructed as shown on Exhibit 1., and shall include top and bottom horizontal members. The top railing shall consist of two elements. The upper element shall measure two inches by six inches and the lower element shall measure two by four inches. The bottom railing shall measure two inches by four inches.

9. **Patio decks, balconies and upper level terraces:**

- a) Patio decks shall be permitted only on building facades that do not face a public or private street, former railroad right-of-way, park, or plaza, or a courtyard facing a public or private street, former railroad right-of-way, or park.
- b) Balconies and upper level terraces shall be permitted along all building facades and shall not encroach into or over the sidewalk clear zone. No more than 50 percent of decorative balconies that are constructed on façades that face a public or private street or a park shall have a depth of less than three feet. Railings, columns and posts shall consist of painted wood, ornamental metal or glass. Wood materials shall comply with condition 8 (d), above.

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10. **Pitched roofs** over any building façade shall not exceed a slope of 3 over 12, and shall overhang by a minimum of 2 feet over the building facade, or shall be screened, with parapet walls, from view from adjacent public or private streets, or parks, plazas, or courtyards that face a public or private street or streets.
11. **Chimneys** that are located on exterior facades shall begin at-grade and shall be faced with brick, stone, or cast stone.
12. **Awnings and Canopies:**
 - a) All awnings and canopies shall be made of cloth, canvas or metal. The shape of the upper surface of any awnings shall match the shape of the opening in front of which they would be attached.
 - b) Internally lit awnings and canopies are prohibited; any illumination that is provided in conjunction with the awning or canopy shall be directed downwards, not upwards towards the underside of the awning or canopy.
13. **Sidewalk arcades:**
 - a) Building facades under arcades shall meet the non-residential “storefront” fenestration requirements.
 - b) In addition to the applicable requirements of the MRC district, sidewalk arcades:
 - i. Shall not encroach into the sidewalk clear zone;
 - ii. Shall meet the minimum supplemental zone width requirements, including a minimum pedestrian walkway width of 10 feet;
 - iii. Shall provide a minimum sidewalk-level floor to floor height of 16 feet.
14. **Sidewalk edges:** A fence, retaining wall, curb or hedge with a minimum height of six inches shall be provided at the edge of the sidewalk adjacent to the supplemental zone located in front of a sidewalk-level residential unit, except at access points to steps, drives or pedestrian walkways.
15. **Fences** that are located adjacent to a public or private street shall be of painted or stained wood, stone, composite materials, masonry, or metal. The finished sides (i.e., “fronts”) of one-sided fences shall face public or private streets, former railroad right-of-ways, parks, plazas, courtyards that face a public or private street, or sidewalk-level outdoor dining areas. Barbed wire, razor wire, or chain link fence shall be not be visible from any public or private street, former railroad right-of-way, park, plaza, courtyard, or sidewalk-level outdoor dining area.

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16. **Asphalt paving** shall be prohibited for walkways, sidewalks, patios, plazas and supplemental zones.
17. **Parking Decks:**
- a) All parking decks that face or are located adjacent to a public street shall be screened by a liner building.
 - b) Any parking deck that faces a public or private street or streets, or a property line that is not located immediately adjacent to a public or private street, shall have the appearance of a horizontal storied building with a pattern of openings such that the deck has an appearance similar to that of the adjoining or attached residential or mixed-use structure. The openings shall be screened with mesh or decorative panels, tinted or sandblasted spandrel glass, or similar screening elements, except that Building A may retain existing windows, subject to the window treatment required by 7.h), above. Provided that the construction method permits, parking decks shall be illuminated with uplighting as shown in Exhibit 2, or shall be illuminated in a manner so that the light fixtures are not visible from any public or private street or adjoining property.
 - c) The height of any parking deck shall not exceed the height of the immediately adjacent or adjoining residential or mixed-use building or structure.
18. **Dumpsters, loading docks, and surface parking lots** shall be screened from any adjacent public or private street or any adjacent park or plaza that is located at the same elevation as the dumpster, loading dock, or surface parking lot.
19. **Public Use of Park:** The 641 North Avenue parcel shall include a park for public use, which shall remain open and accessible to the general public during normal City of Atlanta park hours.
20. **NPU-M Review:**
- a) Any application for an administrative variation to allow off-site parking outside the boundaries of the 675 Ponce de Leon Avenue and 641 North Avenue parcels shall be submitted to NPU-M for its review and comment.
 - b) Any application for a special administrative permit for construction of a new building on either parcel shall be submitted to NPU-M for its review and comment.
 - c) A Transportation Management Plan (TMP) is required and shall be presented to NPU M for comments before it is submitted to the Bureau of Planning as part of the SAP application. Other affected NPUs, including NPUs E, F, and N,

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may comment on the TMP after it is submitted to the Bureau of Planning and prior to issuance of any certificate of occupancy.